IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 17TH SEPTEMBER 2007 / 26TH BHADRA 1929

Bail Appl..No. 5657 of 2007()

CRIME NO. 260/07 OF NELLALAM POLICE STATION
AGAINST THE JUDGEMENT/ORDER IN BA.5108/2007

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PETITIONER/ACCUSED NO.2

N.P.THAFSAL, S/O.LATE K.P.USMAN,
GROCERY MERCHANT, AGED 28 YEARS,
"DAYA MAHAL", UMMENCHERI POST.

BY ADV. SRI.C.KHALID

RESPONDENTS:

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1. SENIOR INTELLIGENCE OFFICER,
DIRECTOR OF REVENUE INTELLIGENCE,
THALI, CHALAPURAM, CALICUT-2.

2. COLLECTOR OF CUSTOMS, COCHIN.

3. STATE OF KERALA,
REPRESENTED BY GOVERNMENT PLEADER,
HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING BEEN FINALLY HEARD ON 17/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.No. 5657 of 2007

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Dated this the 17th day of September, 2007

O R D E R

Application for regular bail. The petitioner faces allegations under Section 489B & C I.P.C. The crux of the allegations against the petitioner is that he had gone to the Airport at Calicut along with the co-accused with his car as requisitioned by the said co-accused. The said co-accused had information that a person was coming to India by flight. That person was asked by some one to take the traveller from abroad to his place and collect the baggage from him. The baggage allegedly contained counterfeit currency notes for an amount of about Rs.15 lakhs. The petitioner and the other co-accused were arrested by the officials of the D.R.I. on 19.6.2007. He continued in custody from that date and was ultimately released as per order dt. 22.8.07 passed by this Court.

2. Subsequently, the local police have registered a crime under Section 489B & C I.P.C. The petitioner was arrested on 5.9.07 and he continues in custody from that date.

3. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. Even if the entire allegations were

accepted, there is no semblance of materials even remotely to suggest that the petitioner had contumacious knowledge that the person coming from abroad was carrying counterfeit currency notes. The petitioner did not also have any specific role assigned to him to collect the baggage from the said passenger. The petitioner had only gone along with the co-accused at his requisition with the car.

4. The learned counsel for the petitioner prays, the learned Prosecutor does not oppose the said prayer and I am satisfied that the petitioner can now be directed to be enlarged on bail subject to appropriate terms and conditions. I am satisfied that the petitioner can now be enlarged on bail subject to appropriate terms and conditions.

5. In the result:

1) This application is allowed.

2) The petitioner shall be released on bail on the following terms and conditions.

(a) He shall execute a bond for Rs.1,00,000/- (Rupees one lakh only) with two solvent sureties each for the like sum to be satisfaction of the learned Magistrate.

(b) He shall make himself available for interrogation before the Investigating Officer between 10 a.m. and 12 noon. on all Saturdays for a period of two months and thereafter as and when directed by the Investigating Officer in writing to do so.

(R. BASANT)
Judge

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